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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,747	04/13/2004	Robert G. Sanders	4021-0126PUS2	4591
2292 7590 05/08/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER KURTZ, BENJAMIN M				
ART UNIT		PAPER NUMBER		
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NOTIFICATION DATE		DELIVERY MODE		
05/08/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROBERT G. SANDERS

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Application No. 10/822,747

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Mailed: May 7, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 15, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On June 12, 2007, appellant filed an Appeal Brief. A review of the file reveals that claim 3, in the appendix of the Appeal Brief are not consistent as

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amended in the Amendment filed on February 12, 2007. Appropriate correction required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) for correction of the Claims Appendix; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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